

3. In Debtor's Chapter 13 Plan, Debtor states that she will be making the post-petition payments directly to Movant.

4. Movant is a secured creditor by reason of Debtor having executed and delivered a mortgage on the Property to Citadel Federal Credit Union on October 4, 2006, which mortgage is recorded in the Office of the Recorder of Deeds of Delaware County on November 28, 2006 as Document No. 12006108937; Book: 03966 P. 0207. *A copy of the Mortgage is attached hereto as Exhibit "A."*

5. Movant seeks relief from the automatic stay to assert all of its rights pursuant to its mortgage and applicable non-bankruptcy law against the Debtor's Real Property.

6. Movant lacks adequate protection in that the Debtor failed to make regular timely monthly mortgage payments in accordance with the terms of the Mortgage and Note.

7. As of the date of the filing of the bankruptcy on April 17, 2023 Movant was the Holder of the secured claim against the Debtor in the amount of \$70,570.07 shown in Movant's Proof of Claim. *See Claim No. 3-1 on the Claims Register.*

8. On April 17, 2023, the total arrearages owed through the Plan were \$41,600.06. *See Claim No. 3-1.*

9. Debtor has not made the regular monthly post-petition outside the plan for the months of May 2023 and June 2023.

10. The total post-petition monthly mortgage payments are as follows:

05/15/2023	06/15/20203	@\$612.24 P/M	\$ 1,224.48
		Attorney's fee	650.00
		Filing fee	181.00
		TOTAL DUE	\$ 2,055.48

11. As a result of Debtor's default and failure to make payments or to otherwise fail to adequately provide for Movant, Movant is not adequately protected and is entitled to relief.

12. Movant also seeks relief from the automatic stay under FRBP 1301(c) to proceed with its state court rights pursuant to the terms of the subject mortgage.

13. If Movant is not permitted to foreclose its mortgage on said premises, it may suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that upon final hearing of this Motion, the automatic stay pursuant to 11 U.S.C. Sections 362(d)(1) and 1301 be modified to permit Movant to exercise its rights pursuant to the Mortgage and Note and applicable state law with regard to the Real Property; that upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c); that Rule 4001(a)(3) be waived; and requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code and that it have such other and further relief as is just.

VAUGHAN BAIO & PARTNERS

By: /s/ M. Jacqueline Larkin
M. Jacqueline Larkin, Esq.
ID No. 30919
Two Logan Square
100 N. 18th Street, Suite 700
Philadelphia, PA 19103
(215) 569-2400

Date: June 26, 2023